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Patent
Attorney's Docket No. 003300-807

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)
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GÜNTER BELLMANN *et al.*) Group Art Unit: 1762
)
Application No.: 09/913,593) Examiner: Bernard D. Pianalto
)
Filed: August 30, 2001) Confirmation No.: 2879
)
For: A PROCESS FOR THE)
MANUFACTURE OF SOFT TIPPED)
BLADES)

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RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Official Action of March 5, 2003 Applicants respectfully request reconsideration. A Petition for Extension of Time (one-month) with the appropriate fee is being filed concurrently herewith.

For the reasons indicated hereafter the Application is urged to be in condition for allowance. Applicants' specifically-claimed contribution is neither disclosed nor remotely suggested upon a reading a the different teachings of the references. Meaningful claim limitations deserve full consideration and cannot properly be ignored.

Applicants have provided a new process for the manufacture of a coating or doctoring blade formed from steel or other similar form-stable material that is coated at the edge with a wear-resistance polymer coating in a precise manner on a highly efficient continuous basis.

As discussed in detail in Applicants' Specification, such blades have been formed in the prior art on a time-consuming batch basis while using closed molds. Such prior art technology has required high manufacturing costs associated with the construction and maintenance of the molds, long processing times, high energy consumption, considerable labor by trained workers, and low productivity.

The process of the present invention is directed exclusively to the continuous manufacture of coating or doctoring blades bearing a wear-resistant polymer coating at the longitudinal edge. A steel or other form-stable material is provided so that there is continuous relative movement between it and a station from which a fast-curing polymer composition is applied along the edge. In a preferred embodiment such fast-curing polymer composition has a pot-life of about 5 to about 30 seconds. Once applied to the surface of the steel the polymer composition is allowed to spread so as to reach the extreme edge section of the steel or other material capable of forming the coating or doctoring blade and subsequently is cured in place to form the desired elastic and tacky-free wear-resistant polymer coating. Hence, Applicants' contribution provides for the forming of a regular strip of coating material having a controlled width and thickness which depend on the material output and viscosity, the relative speed of the traveling metallic substrate, and the curing rate of the liquid elastomeric material. In a preferred embodiment the polymer is applied along the blade in a width of about 5 to 40 mm and a thickness of about 1 to 3 mm. Significant advantages are associated with Applicants' contribution to the relevant area of technology are discussed in the Specification.

The continued rejection of Claims 1 to 21 over the different teachings of U.S. Patent No. 6,040,018 to Lamers in view of the unrelated teachings of U.S. Patent No. 6,127,034 to Chorley would not withstand detailed analysis. A thorough reading of the real teachings of the references is urged to be in order and respectfully is requested.

The primary reference to Lamers has nothing to do with technology for the formation of soft tipped coating or doctoring blade bearing a wear-resistant polymer coating. Instead Lamers is concerned exclusively with the reinforcement of a totally non-analogous fibrous packaging material that is capable of being readily impregnated by a liquid within its fibrous structure. For instance, a reinforced box (i.e., package) that is designed to hold a roll of plastic sheeting or roll of aluminum foil is illustrated. According to the teachings of Lamers a film of impregnating liquid is printed on the fibrous material by pressing a printing head against the fibrous material. The impregnating liquid flows within the fibrous structure to reinforce the fibrous structure so that it becomes stiff enough to serve as a cutting edge for the contents of a package or box. The contribution and teachings of Lamers are different and unrelated to anything claimed by Applicants. Applicants, precisely provide a soft and rubbery tip coating to the surface of an inherently solid and impervious blade and impart different properties to a different product.

The secondary reference to Chorley contains no teachings that are capable of remedying the readily apparent teachings of the primary reference. Chorley concerns yet another non-analogous technology for manufacturing a security thread for incorporation in a secure document, such as a bank note. Resists are applied onto aluminized polyester threads using printing techniques such as flexo, rotogravure or silk screening, and applying

a transparent protective coating either by print coating or laminating. There is absolutely nothing in the reasonably derived teachings of Chorley with respect to coating or doctoring blades or how they could be manufactured in an improved manner. There is no teaching in Chorley in the relevant area of technology. Applicants do not use printing rolls or silk screens. Even if the teachings of the secondary reference were somehow combined with those of the primary reference (which is not even remotely suggested in view of the diverse areas of technology), Applicants' specifically-claimed invention still would not result.

At Page 2 (bottom) of the Official Action there is passing reference to the teachings of U.S. Patent No. 6,494,977 to Waldenberger et al. and U.S. Patent No. 6,462,107 to Sinclair et al. The former concerns non-analogous printed wiring board manufacture and the latter concerns non-analogous technology for the adherence of a decorative part to a vehicle. Applicants' specifically-claimed overall contribution resides in a totally different area of technology is strikingly absent.

The mere allegations that the differences between the claimed subject matter and the prior art are obvious does not create a presumption of unpatentability. Meaningful claim limitations cannot be overlooked. See, In re Soli, 317 F.2d 941, 137 U.S. P.Q. 979 (CCPA 1963). Obviousness must be predicated on something more than it would be obvious "to try". See, Ex Parte Agrabright et al., 161 U.S. P.Q. 703 (POBA 1967) and In re Mercier, 515 F.2d 1161, 185 U.S.P.Q. 774 (CCPA) 1975). It is well-established law that patentability determinations of this type are contrary to the a statute. See In re Antonie, 559 F.2d 618, 195 U.S.P.Q. 6 (CCPA 1977); In re Goodwin et al., 576 F.2d

375, 198 U.S.P.Q. 1 (CCPA 1978); and In re Tomlinson et al., 363 F.2d 928, 150 U.S.P.Q. 623 (CCPA 1966).

See also, In re Rothermel et al., 47 C.C.P.A. 866, 125 U.S.P.Q. 328, 331:


"It is easy now to attribute to this prior art the knowledge which was first made available by appellants and then to assume that it would have been obvious to one having the ordinary skill of art to make these suggested reconstructions. While such a reconstruction of the art may be an alluring way to rationalize a rejection of the claims, it is not the type of rejection which the statute authorizes. 35 U.S.C. §103 is very specific in requiring that a rejection on the grounds the invention 'would have been obvious' must be based on the subject matter as a whole at the time the invention was made."

The withdrawal of the 35 U.S.C. § 103 rejection is urged to be in order and respectfully is requested. Applicants' specifically-claimed contribution deserves recognition. The statutory prerequisites for patentability have been satisfied.

If there is any remaining point that requires clarification prior to the allowance of the application, the Examiner is urged to telephone the undersigned attorney so that the matter can be discussed and resolved at a personal interview.

Respectfully submitted,

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